

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Jon Reed Tollefson,

Plaintiff,

-vs-

Wickham Corwin

Defendant.

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Case No. 3:13-cv-53

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff Jon Tollefson's motion for default judgment be denied (Doc. #34). Tollefson has filed an objection to the Report and Recommendation, objecting to "the entire Report." (Doc. #39). He contends the Report is "void for vagueness" and he expresses skepticism of magistrate judges in general. He also asserts that the motion to dismiss filed by the defendant contains "extraneous issues" and does not address the merits of his claims.

Tollefson filed his complaint on July 12, 2013. Defendant filed his motion to dismiss on August 9, 2013. The motion to dismiss raises a number of legal issues, including the abstention doctrine, subject matter jurisdiction, and failure to state a claim upon which relief can be granted. The Court finds the motion and corresponding memorandum is sufficient to raise legally cognizable issues that, under Rule 12(b), should be made before filing an answer. Tollefson's motion for default judgment is **DENIED**.

**IT IS SO ORDERED.**

Dated this 24th day of October, 2013.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief Judge  
United States District Court